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NOFORN
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DEPARTMENT FOR EUR(JONES),
EUR/SCE(HYLAND/SILBERSTEIN/FOOKS); NSC FOR HELGERSON/WILSON

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SUBJECT: BOSNIA: FORMER FOREIGN FIGHTERS ARRESTED; BUT CAN
THEY BE DEPORTED?

REF: A. 08 SARAJEVO 93
[1](#)B. 07 SARAJEVO 2663
[1](#)C. 05 SARAJEVO 2930
[1](#)D. SARAJEVO 562
[1](#)E. SARAJEVO 406
[1](#)F. 07 SARAJEVO 107
[1](#)G. 07 SARAJEVO 1583
[1](#)H. 07 SARAJEVO 2487
[1](#)I. SARAJEVO 101

Classified By: DCM Judith Cefkin, Reasons 1.4(B), (D)

[1](#)1. (S/NF) Summary: Administrative delays and barriers to evidence sharing may contribute to the release from the Foreigners Affairs Service (FAS) Immigration Center of several former foreign fighters, who have been deemed threats to BiH national security. Currently the center holds eight persons of North African and Middle Eastern origin, who had their BiH citizenships stripped by the Citizenship Review Commission (Refs A-C). Several had been picked up in early May as part of the work of a Joint Task Force, which emerged from a 2008 Law Enforcement Executive Trip to the U.S. sponsored by the Department of Justice's International Criminal Investigation Training Assistance Program (ICITAP). Minister of Security Tarik Sadovic, whose removal from office is being contemplated by senior Party for Democratic Action (SDA) officials, berated senior law enforcement agency heads for circumventing him in the planning of this action. One former foreign fighter, Awad Aiman, was recently released after the State Court upheld his appeal and nullified the CRC's decision stripping him of his citizenship. Contacts in the FAS and State Court highlight poor coordination among the institutions responsible for ruling on deportation and immigration issues, which may force the FAS to release additional individuals in the future. We are encouraging contacts in institutions relevant to immigration and deportation to meet to streamline coordination to prevent the unnecessary release of these individuals.

The Arrests

[1](#)2. (S/NF) A combined action by Federation police, state-level Foreigners Affairs Service officers and the Intelligence Security Agency (OSA) resulted in the arrest of three illegal aliens of North African and Middle Eastern descent, who had been deemed to threats to national security (Ref D). On May 4 Federation police arrested Syrian-born Awad Aiman and Kuwaiti-born Abdulla Ba-Awra and brought them to the FAS Immigration Center in Lukavica near Sarajevo. On May 5

police also delivered Algerian-born Benkhira Aissa to the Center. A lawyer for Awad protested his client's detention claiming that a court appeal was still pending against the CRC's decision to revoke Awad's citizenship. FAS Deputy Director Izet Nizam told the press that the three would remain in the Center until their immigration status can be resolved.

Work of the Joint Task Force

13. (S/NF) The joint police action had been agreed upon by domestic intelligence and law enforcement agencies participating in a Joint Task Force recently set up by the directors several state-level and entity law enforcement agencies. The Task Force, whose goal is to identify whether the former fighters can be detained and deported, stemmed from a project to improve police agency cooperation sponsored by the SEED funded Department of Justice International Criminal Investigation Training Assistance Program (Ref E). However, the decision to undertake this action, along with the selection of targets and timing of arrests, is purely driven by domestic intelligence and law enforcement agencies.

Of the 48 persons of concern identified by the Task Force, they chose to take action first against nine individuals known to be residing in BiH illegally, while investigations into the other 39 will begin. Federation police contacts have provided us with biodata on those arrested as well as outstanding targets. For the three arrested already--Abdulla Ba-Awra (a.k.a. Hudeifa), DOB: 16 Aug 1974, POB: Kuwait; Awan Aiman (a.k.a. Abu Ejmen), DOB 01 Apr 1964, POB: Mneem, Syria; Aissa Benkhira, son of Lakhdara, DOB: 24 Jan 1968, POB: Gharaja, Algeria. The remaining targets of the operation are: Choulah Zoheir, DOB: 13 Sep 1973, POB: Algeria; Youssef Amgad, son of Mohamed and Aisha, DOB: 05 Jul 1966, POB: Kalubija, Egypt; Ibrahim Hosni, son of Abdalla, DOB: 06 Jan 1961, POB: El Fayoum, Egypt; Kaddari Mohamed, son of Idris and Idde, DOB: 01 Apr 1965, POB: Tijart, Algeria; Ghlam Abed, son of Mustafa and Kamajrer Turkije, DPB: 10 Feb 1956, POB: Gartouf, Algeria; Mournir Silni (Omar Bedjaouvi) a.k.a. Abu Fadil, POB: 16 Feb 1963, POB: Tunisia.

Minister Sadovic berates FAS Director over the Arrests

14. (S/NF) The FAS Director and Deputy Director, long-time Embassy contacts, tell us that Minister of Security Tarik Sadovic (Party for Democratic Action-SDA) called each of them on several occasion to berate them for participating in this "illegal" police action and demanding a list of all those officers who participated. Sadovic, who has often been chastised for his attempts to politicize the work of the Ministry of Security, has not made any public protests of yet (Ref F-I). (Comment: In the aftermath of his re-election as SDA President, Suljeman Tihic has acknowledged to us that he would like to replace Sadovic as Security Minister. However, high-ranking officials in the SDA tell us they have so far unsuccessfully encouraged Sadovic to resign, and it is unclear if they are ready to remove him against his will. Senior State and Entity law enforcement officials are considering scheduling a formal meeting with OHR High Representative Inzko to complain about his obstructionist approach. End Comment.)

Coordination Problems in the Immigration Sector

15. (SBU) There are several institutions with key roles in the process of deporting former foreign fighters, currently residing in BiH illegally. The FAS has the mandate to monitor their whereabouts, issue deportation orders, detain them in the FAS immigration center, and oversee deportation. The FAS also serves as the first level of appeal, if detainees wish to appeal their deportation orders. The Ministry of Security's Sector for Immigration serves as the second level of appeal on deportation orders. Several of the former foreign fighters also filed asylum claims with

Ministry of Security's Sector for Asylum and in past practice deportation proceedings could not go forward until the asylum petition has been adjudicated. The State Court serves as a third level of appeal for deportation orders and is the appeal body to review CRC decisions. Up until recent changes in the laws governing aliens and asylum, filing an appeal with the State Court, which often takes years to resolve, stayed any possible deportation. In the absence of a state-level supreme court, individuals often appeal decisions of the State Court to the Constitutional Court or to the European Court of Human Rights in Strasbourg, which in the past has referred such cases to the BiH Constitutional Court for review. The Ministry of Civil Affairs (MCA) oversees issues relating to citizenship and has a role in providing documentation on how individuals obtained BiH citizenship. The Intelligence Security Agency (OSA) provides the determination on whether or not individuals pose threats to national security.

¶6. (S/NF) Contacts in the FAS and State Court point out coordination and information sharing issues that can contribute to the release of such former foreign fighters. The appeal process for deportation orders provides for short turn-around times by the Ministry of Security (24 hours), such that the MoS often fails to or cannot meet this deadline. This failure can be exploited by defense lawyers to annul proceedings. When the State Court must rule on a case, it sometimes fails to receive or to request the proper documentation from the FAS or MoS, such that judges might not have enough evidence to side with the state against the individuals. We have been told that judges often can not obtain the classified evidence used by OSA to declare someone a threat to national security or the documentation from MCA, that had been used by the CRC to rule on stripping citizenship. State Court contacts claim that this contributed to the recent State Court decision restoring the BiH citizenship to Aiman Awad and his subsequent release from detention.

Comment

¶7. (S/NF) Although we applaud the initiative of domestic authorities to organize and take action to deport these potentially dangerous illegal aliens, we, along with many law enforcement and justice sector contacts, are concerned about the systematic inefficiencies that can force their release. We understand the difficulties involved in coordinating the sharing of classified information with all players involved in the multiple levels of possible appeal, but believe there are options for resolving the problem. We are encouraging the institutions involved in the deportation process to convene coordination meetings to streamline information sharing to maximize BiH's ability within the range of its laws, to deport illegal aliens, posing threats to national security. End Comment

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